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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,254	05/07/2001	Eizo Kato	18920.0018	8562

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/849,254

Applicant(s)

KATO, EIZO

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Detailed Action

Specification

The disclosure is objected to because of the following informalities: page 1, line 10, the end of the sentence should read, connecting portable game devices with each other. Page 2, lines 15, 22 and 23,; page 3, line 11; page 5, line 3, the word "a" should precede the term "parameter." Page 3, line 1; page 4, lines 19 and 23, the word "a" should precede the phrase "different parameter." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-4 and 6-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2, 3, 7-9, 11, 14-16 and 19-29, the claims lack the proper article or determiner to precede the term "parameter." Therefore, the term "parameter" is deemed as not having sufficient antecedent basis. The following examples are

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suggested to the applicant: "a parameter", "the parameter", "a different parameter" and "the different parameter."

Regarding claims 4, 12-14, 17-20 and 28, the phrase "said parameter" lacks positive antecedent basis for there is no earlier reference to "a parameter".

Regarding claims 6, 8, 10, 21-26, 28 and 29, the phrase "said players' side" lacks positive antecedent basis for there is no earlier reference to "a players' side".

Regarding claims 6, 7, 9, 21-24 and 26-29, the phrase "said station's side" lacks positive antecedent basis for there is no earlier reference to "a station's side".

Regarding claims 4, 9, 12-14, 17-20, 22-24 and 27-29, the phrase "such elements as" does not clearly set forth the metes and bounds of the claims and renders the scope of the claims unascertainable.

Regarding claim 6, the phrase "can be" is indefinite terminology for it fails to clearly express the intended scope of the claim. Refer to MPEP § 2173 for more information concerning claim language.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 12, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Comas et al. (USPN 5,738,583).

Regarding claims 1, 2, 4, 12 and 17, Comas discloses a game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results, needed for the process of a game and game changes in accordance with time, between a station's side and a players' side by disclosing in col. 2:44-60 & col. 3:16-20, a plurality of wireless gaming units (players) that receive and transmit periodically updated data signals generated by a game server using, in one instance, a dedicated two-way paging system which provides a dedicated outbound frequency and dedicated inbound frequency. The game server, through a local area network, communicates with the paging server, which controls the

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transmission and reception of periodically updated data signals to and from the paging base station.

Regarding claim 5, Comas discloses a player's side consisting of a plurality of team or players by disclosing in col. 2:54-58, an interactive wireless gaming system that can be played between two or more players.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 9, 10, 22, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comas in view of Miyamoto et al. (USPN 6,331,146).

Comas discloses a multi-player game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results, needed for the process of a game and game changes in accordance with time, between a station's side and a players' side. However, Comas

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lacks in disclosing a hint as to the process of a game from the station's side to the players' side. Miyamoto, in an analogous video game system, teaches in col. 27:53-55, providing a hint as to the process of a game from the station's side to the players' side. Miyamoto teaches this facet of the game with the intention of providing clues on how players can attain certain items game. It would be obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the concept of providing a hint as to the process of a game from the station's side to the players' side taught into the invention of Comas; in order to, add difficulty and an element of inquisition to a game.

Claims 3, 8, 11, 13-16, 19-21, 23-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comas in view of Nishino (USPN 6,409,603).

Comas discloses a multi-player game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results, needed for the process of a game and game changes in accordance with time, between a station's side and a players' side. However, Comas lacks in disclosing that a players' side must send a parameter to a station's side within a predetermined time. Nishino, in an analogous game device, teaches inducing a players' side to send

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a parameter to a station's side within a predetermined time (col. 5:5-17). Nishino teaches this aspect in an attempt to force a player to make a game related choice within a given time frame. It would be obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the aspect of inducing a players' side to send parameters to a station's side within a predetermined time taught into the disclosed invention of Comas; in order to, to create a continuous and timely flow of data between a game device and game player.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to network video game systems:

USPN 5,905,523 Wood field et al. discloses an interactive network system.

USPN 5,702,305 Norman et al. discloses an electronic game system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza



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whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

*R. Mendya*

RM

August 13, 2002

*M H O'NEILL*

MICHAEL O'NEILL  
PRIMARY EXAMINER